



Federal Communications Commission  
Washington, D.C. 20554

October 8, 2014

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: *Protecting and Promoting the Open Internet*, GN Docket No. 14-28

Dear Ms. Dortch:

On September 10-12, 2014, the Federal Communications Commission co-hosted workshop on "Regulating the Evolving Broadband Infrastructure" with the University of Nebraska College of Law and the American Enterprise Institute.<sup>1</sup> The purpose of the event was to afford FCC staff the opportunity to learn about current academic research.

On September 11, 2014, Professor Adam Candeub of Michigan State University made a workshop presentation entitled "The FCC's Open Internet NPRM and the Close of Utility Regulation." Professor Candeub made an ex parte filing on Sept. 23, 2014. One of the invited discussants, Tejas Narechania, of Columbia University Law School, filed an ex parte statement in connection with this presentation. His filing includes a list of conference attendees, both FCC staff and others. Another invited discussant, Berin Szoka, of Tech Freedom, affirmed that the content of his remarks was covered by previous comments filed in the above-captioned docket on July 17, 2014. See:

"ICLE & TechFreedom Policy Comments"

Comments of  
International Center for Law and Economics

Geoffrey Manne, Executive Director  
Ben Sperry, Associate Director

TechFreedom

Berin Szoka, President  
Tom Struble, Legal Fellow

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<sup>1</sup> See **WORKSHOP ON REGULATING THE EVOLVING BROADBAND ECOSYSTEM AT FCC SEPTEMBER 10-12, 2014**. [https://apps.fcc.gov/edocs\\_public/attachmatch/DOC-329108A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/DOC-329108A1.pdf)

AND

“TechFreedom & ICLE Legal Comments”

Comments of  
TechFreedom

Berin Szoka, President  
Tom Struble, Legal Fellow

International Center for Law and Economics

Geoffrey Manne, Executive Director  
Ben Sperry, Associate Director

BOTH

*In the Matter of Protecting and Promoting the Open Internet*; GN Docket No. 14-28

*Framework for Broadband Internet Service*; GN Docket No. 10-127

*Preserving the Open Internet*; GN Docket No. 09-191

*Broadband Industry Practices*; WC Docket No. 07-52

In addition to formal commentary on the presentation, there was discussion from the audience as well. The following points were made:

The FCC should seek legislative guidance re Open Internet policies.

The FCC should adopt a case-by-case approach to Open Internet matters, regardless of whether it employs an antitrust framework or a Section 706 framework.

Innovation should not be interpreted as only happening at the “edge.” It can also apply to using limited transmission capacity more efficiently.

There is no clear standard for determining what is “commercially reasonable.”

The FCC should be clear about the goals of its Open Internet proceeding—is this a matter of consumer protection or economic analysis.

The FCC should be clear about transparency proposals—should terms and conditions be disclosed to the public or just to the agency?

Following is a complete list of FCC staff who attended the workshop in whole or in part:

Tim Brennan, Chief Economist, also Office of Strategic Planning (OSP); JAmanda Burkett, Legal Fellow (OSP); Jonathan Chambers, Chief, OSP; Matthew Collins, Wireless Telecommunications Bureau (WTB); Nicholas Degani, Office of Commissioner Pai; Ena Dekanic, Legal Fellow, International Bureau (IB); Matthew DelNero, Deputy Bureau Chief, Wireline Competition Bureau (WCB); Judith Dempsey (WTB); Martin Doczkat, Office of Engineering and Technology (OET); Kristine Fargotstein (WCB); Sherille Ismail (OSP); Pramesh Jobanputra (WTB); Scott Jordan, Chief Technologist (also OSP); Jonathan Levy, Deputy Chief Economist (also OSP); Charles Mathias (WTB); Catherine Mataves (WTB); Jennifer Salhus (WTB); Jon Sallet, General Counsel; Gigi Sohn, Office of the Chairman; Daniel Shiman, Media Bureau; Susan Singer, Chief Economist (WTB); Walt Strack (IB); Antonio Sweet (OSP); Sarah Weeks (OET); Irene Wu (IB)

Respectfully Submitted,

A handwritten signature in blue ink that reads "Jonathan D. Levy". The signature is written in a cursive, flowing style.

Jonathan D. Levy  
Deputy Chief Economist  
Office of Strategic Planning  
Federal Communications Commission

